

Central Intelligence Agency



Washington, D.C. 20505

15 March 2019

Jameel Jaffer
Knight First Amendment Institute
at Columbia University
475 Riverside Drive
Suite 302
New York, NY 10115

Re: F-2019-00158; 18-cv-02709

Dear Mr. Jaffer:

This letter is in response to the 19 October 2018 Freedom of Information Act (FOIA) request submitted by Ramya Krishnan, also representing Knight First Amendment Institute, for the following:

- 1) All procedures or guidance for determining whether to warn, or for delivering a warning to, an intended victim or those responsible for protecting the intended victim, pursuant to Directive 191;
- 2) All records concerning the duty to warn under Directive 191 as it relates to Jamal Khashoggi, including any records relating to duty to warn actions taken with respect to him;
- 3) All records concerning any "issue aris[ing] among IC elements" regarding a determination to warn Jamal Khashoggi or waive the duty to warn requirement, or regarding the method for communicating threat information to him. *See* Directive 191. §G.1.

We processed the request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 3141, as amended.

With regard to item 1, we completed a thorough search for records responsive to the request and determined that three (3) documents can be released in segregable form with redactions made on the basis of FOIA exemptions (b)(1) and (b)(3). In addition, it has been determined that the remaining records must be denied in their entirety on the basis of FOIA exemptions (b)(1), (b)(3), and (b)(5). Exemption (b)(3) pertains to Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507 and/or Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C. § 3024(i)(1).

With regard to items 2 and 3, in accordance with section 3.6(a) of Executive Order 13526, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of such records is itself currently and properly classified and relates to CIA intelligence sources and methods information that is protected from disclosure by Section 6 of the CIA Act of 1949, 50 U.S.C. § 3507, and Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C. § 3024(i)(1). Therefore, pursuant to FOIA exemptions (b)(1) and (b)(3), the CIA can neither confirm nor deny the existence or nonexistence of these records.

This concludes our response to the above referenced request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Fong', with a long horizontal flourish extending to the right.

Allison Fong
Information and Privacy Coordinator

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(U) Disseminating or sharing any part of this document outside CIA must comply with AR 10-16.

(b)(3) CIAAct

(b)(3) NatSecAct

AR 2-4 (U) Duty to Warn (Formerly AR 50-13)

DO - Agency Regulation Series 2 (Intelligence Activities) Published on 04 November 2016

Revision Summary

(U//~~ATUO~~) AR 2-4, in accordance with Intelligence Community Directive (ICD) 191 (Duty to Warn), prescribes policy and procedures for warning individuals and identifiable institutions when the CIA collects information indicating the entities may be the targets of an intentional killing, serious bodily injury, or kidnapping. The regulation further prescribes policy and procedures for CIA responsibilities with regard to similar threat information collected by other members of the US Intelligence Community. The language and order of the existing regulation was updated to better align with ICD 191.

Regulation Summary

(U//~~ATUO~~) This regulation prescribes policy and procedures for warning individuals about whom the Agency has information indicating such individuals may be the target of an intentional killing, serious bodily injury, or kidnapping.

Acronyms

(U) ICD - Intelligence Community Directive

Definitions

(U) **Duty to Warn** - For the purpose of this regulation, per ICD 191, a requirement to warn US and non-US persons of impending threats of intentional killing, serious bodily injury, or kidnapping.

(U) **Intentional Killing** - For the purpose of this regulation, per ICD 191, the deliberate killing of a specific individual or group of individuals.

(U) **Kidnapping** - For the purpose of this regulation, per ICD 191, the intentional taking of an individual or group through force or threat of force.

(U) **Serious Bodily Injury** - For the purpose of this regulation, per ICD 191, an injury that creates a substantial risk of death or which causes serious, permanent disfigurement or

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impairment.

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Duty to Warn

Duty to Warn

(b)(3) NatSecAct

Duty to Warn

(U) Purpose and Intent:

(S//NF) On 21 July 2015, the Director of National Intelligence (DNI) approved Intelligence Community Directive (ICD) 191, providing new guidance to the Intelligence Community (IC) regarding Duty to Warn (DTW) responsibilities. ICD 191 establishes a consistent, coordinated approach for how each IC agency will make its own determinations and provide warnings regarding threats of intentional killing, serious bodily injury and kidnapping to specific individuals or groups.

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Duty to Warn

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Last Updated on Friday, 21 August 2015 15:27

(b)(3) CIAAct

Duty to Warn

(U) Purpose and Intent:

(U//~~FOUO~~) According to Intelligence Community Directive ICD 191, *Duty to Warn*, dated 21 July 2015, an IC element that collects or acquires credible and specific information indicating an impending threat of intentional killing, serious bodily injury, or kidnapping directed at a person or group of people (hereafter referred to as the intended victim) shall have a **duty to warn** (DTW) the intended victim or those responsible for protecting the intended victim, as appropriate. This includes threats where the intended victim being targeted is an institution, place of business, or location. The term intended victim includes both U.S. persons and non-U.S. persons. (b)(3) NatSecAct

(b)(3) NatSecAct ICD 191 establishes policy for how the IC will provide warning to the intended victim. Agency Regulation 2-4 (AR 2-4), *Duty to Warn*, dated 4 November 2016, prescribes CIA's policies and procedures for warning the intended victim or those responsible for protecting the intended victim when the CIA collects threat information targeting them, as well as policy and procedures for CIA responsibilities with regard to similar threat information collected by other members of the IC.

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Duty to Warn

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Last Updated on Friday, 17 August 2018 10:43

(b)(3) NatSecAct

3/14/2019